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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re Amendment of Section 73.202(b))
of the Commission's Rules, Table of Allotments,)
FM Broadcast Stations)
(CROSS PLAINS, TEXAS))

MM Docket No. 04-248
RM-10718

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To: The Office of the Secretary,
for the Attention of the Assistant Chief, Audio Division, Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COUNTERPROPOSAL

MUNBILLA BROADCASTING PROPERTIES, LTD.

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SUMMARY

Munbilla Broadcasting Properties, Ltd. (*MPBL*), lodges its Counterproposal to the proposed allotment of Channel 294A to the community of Cross Plains, Texas. MBPL's Counterproposal:

- a. requests the allotment of Channel 293A to the community of Granite Shoals, Texas as a first local service;
- b. to accommodate the allotment of Channel 293A to Granite Shoals, requests the substitution of Channel 284C3 for vacant Channel 293C3 at Llano, Texas;
- c. to accommodate the substitution of Channel 284C3 for Channel 293C3 at Llano, seeks substitution of Channel 252A for vacant Channel 284A at Junction, Texas;
- d. to further accommodate the substitution of Channel 284C3 for Channel 293C3 at Llano, requests the substitution of Channel 295A for vacant Channel 284A at Blanket, Texas; and
- e. requests the reallocation of Channel 295A from the community of Burnet, Texas, to the community of Kempner, Texas as a first local service, and a concomitant modification of MBPL's license for radio station KHLB(FM), FCC Facility ID No. 34948.

This Counterproposal is superior on § 307(b) grounds to the proposal of the petitioner to allot Channel 294A to Cross Plains, and another undocketed proposal by the same petitioner to allot Channel 284A to Bertram, Texas. The same petitioner has also filed a proposal to allot Channel 293A to Sunrise Beach Village, Texas, but that proposal is fatally flawed and must be dismissed. Yet another proposal by the same petitioner, to allot Channel 285A to Cherokee cannot prevail, because Cherokee is not a licensable community.

MBPL states its intent to apply for construction permits to implement the relicensing of station KHLB(FM) from Burnet, Texas, to Kempner, Texas, and for a new station at Granite

Shoals, Texas. MBPL further states its intent to construct the Kempner and granite Shoals facilities if the Commission authorizes MBPL to do so, and to seek covering licenses therefor.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re Amendment of Section 73.202(b))	
of the Commission's Rules, Table of Allotments,)	MM Docket No. 04-348
FM Broadcast Stations)	RM-10718
(CROSS PLAINS, TEXAS))	

To: The Office of the Secretary,
for the Attention of the Assistant Chief, Audio Division, Media Bureau

COUNTERPROPOSAL

Munbilla Broadcasting Properties, Ltd. (*MPBL*), by its communications counsel, hereby lodges its Counterproposal to the proposed allotment of Channel 294A to the community of Cross Plains, Texas.

I. BACKGROUND

THE PETITION AND THE NPRM

1. Charles Crawford's Petition for Rule Making prompted the Media Bureau to issue the Notice of Proposed Rule Making in the instant proceeding, 19 FCC Rcd 17452, 69 Fed. Reg. 55547 (2004) (the NPRM). The NPRM proposed to allot Channel 294A to Cross Plains, Texas as a first local service.¹ This allotment would require a site restriction of 14 kilometers (8.7 miles) West to avoid short-spacings to the licensed facilities of stations KKHR, Channel 292C2, Abilene, Texas, and KKDL, Channel 294C, Muenster, Texas. The NPRM recites that Cross Plains is an incorporated town with a 2000 U.S. Census population of 1,068 persons. The

¹ Reference point: North Latitude 32° 06' 48"; West Longitude 99° 18' 45".

NPRM also relates that Cross Plains has its own Zip Code, volunteer fire department, Post Office, mayor, city offices, and local churches.

II. COUNTERPROPOSAL

A. RECITATION OF THE COUNTERPROPOSAL

2. MBPL's Counterproposal is as follows:

- a. MBPL requests the allotment of Channel 293A to the community of Granite Shoals, Texas as a first local service;²
- b. to accommodate the allotment of Channel 293A to Granite Shoals, MBPL requests the substitution of Channel 284C3 for vacant Channel 293C3 at Llano, Texas;³
- c. to accommodate the substitution of Channel 284C3 for Channel 293C3 at Llano, MBPL seeks substitution of Channel 252A for vacant Channel 284A at Junction, Texas;⁴
- d. to further accommodate the substitution of Channel 284C3 for Channel 293C3 at Llano, MBPL requests the substitution of Channel 295A for vacant Channel 284A at Blanket, Texas;⁵ and

²Reference Point: North Latitude 30° 40' 05"; West Longitude 98° 27' 57". This represents a site restriction of 11.7 kilometers Northwest of Llano, permissible for a Class A station in light of city-grade-service constraints.

³Reference Point: North Latitude 30° 47' 52"; West Longitude 98° 38' 30". This represents a site restriction of 5.7 kilometers Northeast of Llano, permissible for a Class C3 station in light of city-grade-service constraints.

⁴Reference Point: North Latitude 30° 29' 00"; West Longitude 99° 45' 29". This site is 1.7 kilometers east of Junction, a permissible site restriction for a Class A station.

⁵Reference Point: North Latitude 31° 46' 04"; West Longitude 98° 51' 33". This site is 9 kilometers Southwest of Blanket, a permissible site restriction for a Class A station.

e. MBPL requests the reallocation of Channel 295A from the community of Burnet, Texas, to the community of Kempner, Texas as a first local service,⁶ and a concomitant modification of MBPL's license for radio station KHLB(FM), FCC Facility ID No. 34948.

3. This multifaceted Counterproposal conflicts with the NPRM. The proposed reallocation of Channel 295A to Blanket, which is necessary for station KHLB to relicense to Kempner, which in turn is necessary if the FCC is to allot Channel 293A to Granite Shoals, directly conflicts with the NPRM's contemplated allotment of Channel 294A to Cross Plains.

B. TABULAR DEPICTION OF THE COUNTERPROPOSAL

4. Schematically, MBPL's Counterproposal is as follows:

COMMUNITY	PRESENT	PROPOSED
Blanket, Texas	284A	295A
Burnet, Texas	223A, 240A*, 295A	223A, 240A*
Granite Shoals, Texas	---	293A
Kempner, Texas	---	295A
Llano, Texas	242A, 275A, 293C3	242A, 275A, 284C3

C. TECHNICAL COMPLIANCE OF THE COUNTERPROPOSAL

5. As Exhibit A, the Engineering Statement of Hatfield & Dawson Consulting Electrical Engineers, indicates, the Commission:

- can allot Channel 293A to Granite Shoals;
- can reallocate Channel 295A from Burnet to Kempner; and
- can make the required channel substitutions at Blanket and Llano,

⁶Reference Point: North Latitude 31° 03' 24"; West Longitude 97° 58' 40". This site is 2 kilometers South of Kempner, a permissible site restriction for a Class A station.

all consistent with spacing and city-grade-service requirements. Exhibit A also illustrates, schematically, the conflicts between this Counterproposal and the NPRM.

1. CHANNEL 284C3 AT LLANO AND CHANNEL 281C2 AT MASON

6. As Exhibit A also indicates, the proposed substitute Channel 284C3 at Llano is fully-spaced to the reference point for vacant Channel 281C2 at Mason, Texas.⁷ On May 23, 2003, the Petitioner in this proceeding, Charles Crawford, filed another Petition for Rulemaking requesting the allotment of Channel 284A at Harper, Texas. Implementation of Mr. Crawford's Harper proposal would have required shifting Channel 281C2's reference point to a new location.⁸ The Commission never accepted Mr. Crawford's Harper proposal for rule making, and, on July 2, 2003, Mr. Crawford himself scuttled his proposal by filing a Motion to Dismiss. By letter dated August 8, 2003, the Commission granted Mr. Crawford's Motion.

7. But for that withdrawal, the Channel-284C3/Llano element of this Counterproposal would have short-spaced Mr. Crawford's proposal to shift the Mason reference point. In the worst case, that would have drawn the Harper proposal into this proceeding. However, the Harper proposal's dismissal eliminates that complication. Notwithstanding, Mr. Crawford's proposed shift in Mason's reference point remains in the FM Engineering data base, associated with a Counterproposal in MB Docket No. 03-149 by Elgin FM Limited Partnership (*Elgin FM*). Because Mr. Crawford's proposed Channel 281C2/ Mason coordinates conflicted with

⁷North Latitude 30° 44' 55", West Longitude 99° 13' 49".

⁸North Latitude 30° 46' 58", West Longitude 99° 01' 11".

part of Elgin FM's Counterproposal, Elgin FM proposed yet another Mason reference point.⁹ Specifically, the FM database shows Elgin FM's proposed shift in the Mason reference point from Mr. Crawford's coordinates to Elgin FM's preferred site.¹⁰ This is a stale entry. Because the FCC has dismissed the Harper proposal, the database should show that Elgin proposes a shift of Channel 281C2 at Mason from the *original* reference point¹¹ to Elgin's preferred site.¹²

2. CHANNEL 284C3 AT LLANO AND CHANNEL 284A AT BERTRAM

8. MBPL's proposed substitution of Channel 284C3 at Llano is short-spaced to an undocketed proposal to assign Channel 284A at Bertram, Texas, filed on January 16, 2004, by none other than Charles Crawford. As of the filing of this Counterproposal, Mr. Crawford's Bertram proposal has not been accepted for rule making. Mr. Crawford's Bertram proposal should thus be considered as another Counterproposal in this proceeding.

3. CHANNEL 284C3 AT LLANO AND CHANNEL 285A AT CHEROKEE

9. MBPL's proposed substitution of Channel 284C3 at Llano is also short-spaced to yet another undocketed proposal to assign Channel 285A to Cherokee, Texas, filed on July 16, 2004, by, yes, yet again, the industrious Charles Crawford. As this date, the FCC has not accepted Mr. Crawford's Bertram proposal for rule making. Mr. Crawford's Bertram proposal, if it is even acceptable, must be considered as yet another Counterproposal in this proceeding.

⁹North Latitude 30° 45' 10", West Longitude 99° 25' 31".

¹⁰North Latitude 30° 45' 10", West Longitude 99° 25' 31".

¹¹North Latitude 30° 45' 55", West Longitude 99° 13' 19".

¹²See n. 10, *supra*.

Elgin FM's Counterproposal in the Grapeland proceeding. Nor should it be construed as such.¹⁴ The mere fact that both this Counterproposal and Elgin FM's Counterproposal in Grapeland each suggest the substitution of Channel 252A for Channel 284A at Junction *does not* mean that the instant Counterproposal is in any way contingent or dependent on the adoption of Elgin FM's Counterproposal in Grapeland. The FCC can act in the instant proceeding without in any way prejudicing or preordaining the outcome in Grapeland. Similarly, the Commission may act in Grapeland without in any way prejudicing or preordaining the outcome in the instant proceeding. There merely happens to be one parallel element of this Counterproposal and of Elgin FM's Counterproposal in Grapeland.

6. CHANNEL 293A AT GRANITE SHOALS/CHANNEL 293A AT SUNRISE BEACH VILLAGE

12. The proposed allotment of Channel 293A at Granite Shoals is short-spaced to yet another undocketed proposal to allot Channel 293A to Sunrise Beach Village, Texas, filed on November 12, 2003, by, yes, Charles Crawford. As will be discussed below, the Sunrise Beach Village proposal is fatally defective.

D. SECTION 307(B) CONSIDERATIONS

1. SUMMARY

13. The instant Counterproposal will provide Granite Shoals, Texas, an incorporated community with a 2000 Census population of 2,040 , and Kempner, another incorporated city with a 2000 U.S. Census population of 1,004 persons, with first local services.

¹⁴Indeed, in the Grapeland proceeding, MBPL has filed Reply Comments in opposition to Elgin FM's Counterproposal.

14. On the other side of the equation, Mr. Crawford proposes a first local service to Cross Plains, which has a 2000 Census population of 1,068 persons, to Bertram, which has a 2000 Census population of 1,122 persons, Sunrise Beach Village, which has a 2000 Census population of 704 persons, and Cherokee, which has a reported population of 175 persons. As MBPL will now show, the Sunrise Beach Village proposal is unacceptable for rule making, and cannot enter into the § 307(b) analysis. Similarly, MBPL will show that Cherokee is not a licensable community.

2. THE SUNRISE BEACH VILLAGE PROPOSAL IS FATALLY DEFECTIVE.

15. As of the filing of this Counterproposal, the FCC has not accepted Mr. Crawford's Sunrise Beach Village proposal for rule making. This is not surprising. Mr. Crawford's Sunrise Beach proposal is grossly short-spaced to vacant Channel 293C3 at Llano. Mr. Crawford's Sunrise beach proposal is therefore fatally defective, and the Commission should summarily reject it.¹⁵ Therefore, the Sunrise Beach Village proposal has no role whatsoever in the § 307(b) analysis, and is not worthy of any further discussion.

3. CHEROKEE IS NOT A LICENSABLE COMMUNITY.

16. As of the filing of this Counterproposal, the FCC has also not accepted Mr. Crawford's Cherokee proposal for rule making. Cherokee is neither an incorporated community

¹⁵MBPL's proposal to shift the Llano allotment to Channel 284C3 cannot save Mr. Crawford's Sunrise Beach proposal, because no allotment proposal is acceptable for rule making if it depends on the adoption of another rule-making proposal. "Further, proposals and counterproposals are supposed to be capable of being effectuated at the time they are granted and cannot be contingent upon future actions by third parties." Cloverdale, Montgomery, and Warrior, Alabama, 12 FCC Rcd 2090 (1997).

nor a Census Designated Place. It is therefore not entitled to prima facie consideration as a community worthy of a local service. Cherokee is a mere crossroads in rural Texas. It has approximately 25 to 30 residences, and is, at best, a "quiet village." In Jefferson City et al., Tennessee, 10 FCC Rcd 12207 (1995), recons. den., 13 FCC Rcd. 230 (1998), the FCC denied a request to relicense a station from Jefferson City (pop. 5,494) to Cumberland Gap (pop. 210). The proposal was flawed technically (no line-of-sight). But the FCC said that, even if there were no such technical flaw, the relicensing:

"... would be inconsistent with previous actions in which we have not accorded a decisional significance as a first service to a community of such a size over a competing proposal for a "competitive voice" to a larger community. It is our view that in such a comparative proceeding, we would have deemed Cumberland Gap to be a 'quiet village' and therefore not entitled to a dispositive preference as a first local service."

See also, e.g., Hanamaulu, Hawaii, 15 FCC Rcd 2783 (2000), Columbia City, Florida, 14 FCC Rcd 21165 (1999).

17. Cherokee, if it even has definable boundaries, is a mere crossroads with a couple of traffic lights, a small grocery store, and a gas station. A web site, <<http://www.centex.net/~cherokee/>>, lists several business, but a number of them do not appear to be in Cherokee proper (if there even is such a thing). For example, Cherokee Art is "2.2 miles East of Cherokee on F[arm to]M[arket Road] 501. That is not a local business. Cherokee Valley Farms is likewise apparently not in Cherokee proper, as the farm simply has a P.O. Box at the nearest Post Office. The same is true of Skaggs Stone and of Baker Land. Pioneer Puzzles is a web-based business in Elk Grove Village, Illinois. Central Texas Communications and Central Texas Telephone are based in Goldthwaite. The local High School has a six-man football squad. The school obviously

lacks enough students to field a team of normal strength. The “History of Cherokee” appears to be only that of the local United Methodist Church

18. Exhibit B hereto comprises photographs taken within the last month in and around the Cherokee crossroads. It appears that the most densely populated area is the local graveyard. The Cherokee Cafe is closed and boarded up. There is no local police department, no local fire department, no local hospital, no local EMS, no local municipal services. Indeed, the “Cherokee” web site shows the police department to be the one in San Saba, 15 miles to the North. It also appears that the hamlet relies on the town of San Saba for most, if not all, of its other public services. Like so many of West Texas hamlets, young people exit as fast as they can. Cherokee is clearly not deserving of a local service, and it does not enter into the § 307(b) analysis.

4. ON BALANCE, THIS COUNTERPROPOSAL PREVAILS.

A. MBPL PROPOSES FIRST LOCAL SERVICES TO MORE PEOPLE.

19. MBPL proposes first local services to Granite Shoals, population 2,040, and to Kempner, population 1,004. Mr. Crawford’s viable proposals involve Cross Plains, population 1,068 and Bertram, population 1,004. The aggregate number of people who would receive first local services under MBPL’s Counterproposal is 3,108. Mr. Crawford’s proposals would, by contrast, provide first local services to an aggregate of only 2,072 residents. Because MBPL’s Counterproposal promises first local services to a substantially larger aggregate population, it must prevail over Mr. Crawford’s proposals. See, e.g., Brightwood et al. Oregon, 66 Fed. Reg. 56486 (2001), Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

B. MBPL'S PROPOSAL DOES NOT ENTAIL CREATION OF DECISIONALLY SIGNIFICANT GREY AREA

20. Grant of this Counterproposal would create 33 square km of loss area, due to the channel substitution and site restriction at Junction. That 33 square km would lose one hypothetical aural service and no actual, present service. It is also unpopulated. See Exhibit A. This is *de minimis*.

21. The channel substitution at Blanket, and the removal of Channel 295A from Burnet, would not create any grey area. See Exhibit A. The channel substitution and site restriction at Llano would create a grey area of 85 square km with three aural services remaining. Only 24 people would be affected. Also, an area of 41 square km will be left with four aural services. Only six people would be affected. These are also clearly *de minimis*. See, e.g., Sparta and Buckhead, Georgia, 16 FCC Rcd 2169 (2001), Seabrook et al., Texas, 10 FCC Rcd 9360 (1995).

C. MBPL PROPOSES SUBSTANTIALLY ENHANCED SPECTRAL EFFICIENCY

22. Grant of this Counterproposal will provide a net total of 177,018 persons and 2,460 square km of area an additional aural service. This will clearly serve the goals of § 307(b) of the Communications Act. Endicott, New York, 51 FCC 2d 50, 51 (1975), Seabrook et al., Texas, *supra*, Sparta and Buckhead, Georgia, *supra*.

D. MBPL'S COUNTERPROPOSAL RESULTS IN A PREFERENTIAL ARRANGEMENT OF FM ALLOTMENTS.

23. MBPL is filing its Counterproposal pursuant to Modification of FM and TV Authorizations to Specify a New Community of License (Community of License), 4 FCC Rcd 4870 (1989), recons. granted in part, 5 FCC Rcd 7094 (1990), and pursuant to 47 C.F.R. §

1.420(i), which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. Community of License requires that any reallocation proposal result in a preferential arrangement of allotments using the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures, supra.

24. Grant of this proposal will provide Kempner, an incorporated city of 1,004 people, with its first local FM service. Burnet, Texas, will lose a local service, but it will still be well served by MBPL's stations KBEY(AM), FCC Facility ID No. 34949, and KBEY-FM, FCC Facility ID No. 40764. The creation of a first local service, FM Allotment Priority 3, clearly outweighs retention of a third local service, FM Allotment Priority 4. Revision of FM Assignment Policies and Procedures, supra.

25. Kempner is proximate to, but not within, the Killeen Urbanized Area. The proposed reallocation of Channel 295A at Kempner will provide 70-dB μ service to only 20% (34 square km) of the 166-square-km area of the Killeen Urbanized Area, and only 19% (31,490) of the 167,304-person total population of the Killeen UA. Therefore, no "Tuck" analysis is necessary.¹⁶ See, Headland, Alabama, and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995). (A reallocation proposal requires a Tuck showing when the proposed 70-dB μ contour will encompass more than 50% of an Urbanized Area.)

26. Kempner is fully deserving of a local service. Kempner is at the junction of U.S. Highway 190 and Ranch Road 2313, on the Atchison, Topeka and Santa Fe Railway and the Lampasas River in southeastern Lampasas County. In addition to being incorporated, Kempner

¹⁶Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

has its own Zip Code (76539), Post Office, local government offices, health-care facilities, and local businesses including a hardware store, automotive repair shop, Paint-Ball Park, Herbal dealer and book store, Christensen's Grocery, the Los Taquitos restaurant, Duey's Plumbing, and local churches. See, e.g., <<http://kempnertx.usl.myareareaguide>>, <<http://kempner.texas.com>>, <<http://usa-local-guide.com/TX/kempner/localbus.html>>.

27. Granite Shoals is also fully deserving of a local service. Granite Shoals is on Lake Lyndon B. Johnson, seven miles west of Marble Falls, in southwestern Burnet County. The community takes its name from the granite shoals that were evident on the Colorado River before the construction of Wirtz Dam and Lake Granite Shoals (later renamed as Lake Lyndon B. Johnson). Granite Shoals was developed as a lake resort, but became an incorporated community in the 1960s. Its population doubled from 300 in the late 1960s to 634 in the early 1980s, again by 1990 to 1,378, and, as noted above, the 2000 Census population was 2,040.

28. Boating and fishing are popular activities in Granite Shoals. <<http://www.highlandlakes.com/graniteshoals/>>. Besides being incorporated, Granite Shoals has its own Zip Code (78654), several restaurants, churches, gift shops, lodging, and other local businesses, and a local elementary school. See, e.g., <<http://www.hill-country-visitor.com>>, <<http://schoolbug.org/school-482901007819.html>>, <<http://www.globalbusinesses.com/granibus/busid.shtml>>. Allotting Channel 293A to Granite Shoals will clearly further the goals of § 307(b) of the Communications Act of 1934, as amended.

III. MISCELLANEOUS

29. MBPL states its intent to apply for a construction permit for Channel 293A at Granite Shoals, if allotted. MBPL further states its intent, should MBPL be awarded the

construction permit, to build the authorized facilities, to place the constructed facilities into broadcast service, and to seek a license to cover those facilities.

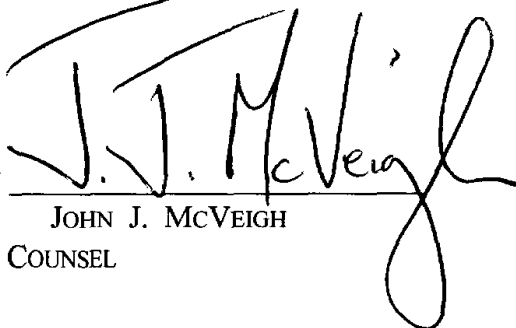
30. MBPL further states its intent to apply for a construction permit for Channel 295A at Kempner, if allotted. MBPL further states its intent, should MBPL be awarded the construction permit to so modify the licensed facilities of station KHLB(FM), to build the authorized facilities, to place the constructed facilities into broadcast service, and to seek a license to cover those facilities.

III. CONCLUSION

31. For all of the above reasons, the staff should promptly issue a Report and Order implementing MBPL's Counterproposal, rejecting Mr. Crawford's proposals, and terminating this proceeding.

Respectfully submitted,

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ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO AMEND SECTION 73.202 OF THE RULES AND REGULATIONS FOR THE FEDERAL COMMUNICATIONS COMMISSION

**TO ASSIGN FM CHANNEL 293A
FOR USE AT GRANITE SHOALS, TX**

**TO ASSIGN FM CHANNEL 284C3
FOR USE AT LLANO, TX**

**TO ASSIGN FM CHANNEL 252A
FOR USE AT JUNCTION, TX**

**TO ASSIGN FM CHANNEL 295A
FOR USE AT BLANKET, TX**

**TO ASSIGN FM CHANNEL 295A
FOR USE AT KEMPNER, TX**

MUNBILLA BROADCASTING PROPERTIES, LTD.

10/2004

**Engineering Statement
Counterproposal in MB Docket No. 04-348
October 2004**

This Engineering Statement has been prepared on behalf of Munbilla Broadcasting Properties, Ltd. ("Munbilla"), in support of a counterproposal in MB Docket No. 04-348. The original proposal in this proceeding was filed by Charles Crawford ("Crawford"), requesting the allotment of Channel 294A at Cross Plains, Texas. By the instant counterproposal, Munbilla proposes to amend §73.202 of the Commission's Rules to:

- 1) Allot Channel 293A at Granite Shoals, Texas, as the first local service at that community;
- 2) Substitute Channel 284C3 for vacant Channel 293C3 at Llano, Texas;
- 3) Substitute Channel 252A for vacant Channel 284A at Junction, Texas;
- 4) Substitute Channel 295A for vacant Channel 284A at Blanket, Texas, and;
- 5) Reallot Channel 295A Burnet, Texas, to Kempner, Texas, as the first local service at that community, and modify the license of station KHLB to specify operation on Channel 295A at Kempner.

Schematically, Munbilla's proposal is as follows:

Community	Present	Proposed
Blanket	284A	295A
Burnet	223A, *240A, 295A	223A, *240A
Granite Shoals	---	293A
Kempner	---	295A
Llano	242A, 275A, 293C3	242A, 275A, 284C3

Hatfield & Dawson Consulting Engineers

The proposed reallocation plan will provide several benefits:

- 1) Granite Shoals, an incorporated city with a 2000 Census population of 2,040 persons, will receive its first local service;
- 2) Kempner, an incorporated city with a 2000 Census population of 1,004 persons, will receive its first local service;
- 3) A total of 189,304 persons in a 4,709 sq km area will receive at least one additional aural service, while only 12,286 persons in a 2,249 sq km area will lose one service, for a net gain of service to 177,018 persons in a 2,460 sq km area;
- 4) In accommodating the benefits listed above, no white or gray areas will be created. Only 30 persons will be left underserved with fewer than five aural services.

Channel 293A at Granite Shoals

As outlined in the attached channel study, Channel 293A can be assigned for use at Granite Shoals in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, provided that a) Channel 284C3 is substituted for vacant Channel 293C3 at Llano, and b) KHLB Channel 295A Burnet is reallocated to Kempner. A site restriction is necessary in order to avoid short-spacing to station KELZ Channel 294C Terrell Hills, so for this study allotment site coordinates at N30-40-05 x W98-27-57 have been used. This site is 11.7 kilometers northwest of Granite Shoals. The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16.2 kilometers. Therefore, and as demonstrated by

the attached 70 dBu contour map, this site will provide greater than 70 dBu coverage for all of Granite Shoals.

The proposed allotment of Channel 293A at Granite Shoals is short-spaced to an undocketed proposal filed by Charles Crawford on November 12, 2003, to allot vacant Channel 293A at Sunrise Beach Village. Crawford's Sunrise Beach Village proposal is defective as filed in that it is 108 kilometers short-spaced to the vacant Channel 293C3 allotment at Llano.

The allotment of Channel 293A at Granite Shoals will provide the first local service at that community, which is an incorporated city with a 2000 Census population of 2,040 persons.

Channel 284C3 at Llano

As outlined in the attached channel study, Channel 284C3 can be substituted for vacant Channel 293C3 at Llano in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, provided that a) Channel 252A is substituted for vacant Channel 284A at Junction, and b) Channel 295A is substituted for vacant Channel 284A at Blanket. Certain apparent short-spacings to other allotment proposals are discussed in detail below. A site restriction is necessary in order to avoid short-spacing to vacant Channel 281C2 Mason and station KXXS Channel 285A Dripping Springs, so for this study allotment site coordinates at N30-47-52 x W98-38-30 have been used. This site is 5.7 kilometers northeast of Llano. The nominal distance to the 70 dBu F(50,50) contour for a Class C3 station is 23.2 kilometers. Therefore, and as demonstrated by the attached 70 dBu contour map, this site will provide greater than 70 dBu coverage for all of Llano.

Spacing Issue to Channel 281C2 at Mason

The proposed allotment of Channel 284C3 at Llano is fully-spaced to the allotment coordinates of N30-44-55 x W99-13-49 for vacant Channel 281C2 at Mason, Texas. On May 23, 2003, Charles Crawford filed a Petition for Rulemaking requesting that Channel 284A be assigned for use at Harper, Texas, which proposal required that the allotment coordinates for Channel 281C2 at Mason be moved to N30-46-58 x W99-01-11. That proposal was never docketed, and on July 2, 2003, Crawford filed a Motion to Dismiss. Crawford's proposal was dismissed by Commission letter dated August 8, 2003. The instant proposal for Channel 284C3 at Llano would have been short-spaced to Crawford's proposed allotment coordinates for Channel 281C2 at Mason, but the dismissal of Crawford's proposal eliminates that conflict.

Nevertheless, Crawford's proposed allotment coordinates for Channel 281C2 at Mason still appear in the Commission database, associated with a counterproposal in MB Docket No. 03-149, filed by Elgin FM Limited Partnership ("Elgin FM"). Crawford's proposed allotment coordinates for Channel 281C2 at Mason conflicted with part of the Elgin FM counterproposal, so Elgin FM proposed new allotment coordinates for Channel 281C2 at Mason at N30-45-10 x W99-25-31. The FM database shows that Channel 281C2 at Mason is proposed to be deleted from Crawford's coordinates N30-46-58 x W99-01-11 and relocated to Elgin FM's coordinates N30-45-10 x W99-25-31. More properly, since Crawford's Harper proposal has been dismissed, the database should show that Channel 281C2 at Mason is proposed to be deleted from the original

allotment coordinates of N30-44-55 x W99-13-49 and relocated to Elgin FM's coordinates.

The instant proposal for Channel 284C3 at Llano is fully-spaced to both the original allotment coordinates for Channel 281C2 at Mason, and the coordinates for that allotment as proposed by Elgin FM in MB Docket No. 03-149.

Spacing Issue to Channel 284A at Bertram

The proposed allotment of Channel 284C3 at Llano is short-spaced to an undocketed proposal to assign Channel 284A at Bertram, Texas, filed on January 16, 2004, by Charles Crawford. As of this writing, no NPRM has yet been issued for Channel 284A at Bertram, and therefore the Bertram proposal should be considered as a counterproposal in MB Docket No. 04-348.

Spacing Issue to Channel 285A at Cherokee

The proposed allotment of Channel 284C3 at Llano is short-spaced to an undocketed proposal to assign Channel 285A at Cherokee, Texas, filed on July 16, 2004, by Charles Crawford. As of this writing, no NPRM has yet been issued for Channel 285A at Cherokee, and therefore the Cherokee proposal should be considered as a counterproposal in MB Docket No. 04-348.